



17169 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John C. Oslund et al.

Docket No.: ev31010USD1

Anticipated Classification of this application:

Class _____ Subclass _____

Prior Application: 09/628,212

Examiner: Jaime W. Corrigan

Group Art Unit: 3748

19270 U.S. PTO
10/823139



DIVISIONAL APPLICATION UNDER
37 C.F.R. § 1.53(b) TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for the filing under 37 C.F.R. § 1.53(b) of a
☐ continuation, ☒ divisional, ☐ continuation-in-part of pending prior Application No.
09/628,212, filed July 28, 2000, entitled IMPROVED DISTAL PROTECTION DEVICE
and naming as inventors John C. Oslund having an address of 12391 Goodhue Street NE,
Blaine, Minnesota 55449, and Chad J. Volk having an address of 1626 Maple Place, West
Fargo, North Dakota 58078.

1. ☒ Enclosed are 10 pages of specification, 11 pages of claims
(61 claims), 1 page of abstract, and 2 pages of drawings.
- 2a. ☒ Enclosed is a copy of the Declaration and Power of Attorney
(3 pages).

Certificate of Mailing/Transmission (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 399044060 US and is addressed to Mail Stop Patent Application, Commissioner for Patents, Alexandria, VA 22313-1450 on the date indicated below.

Date:

April 13, 2004

Signature:

Name: Jodi Jung

- 2b. ☒ Enclosed is a copy of the Revocation of Former Powers of Attorney and New Power of Attorney by Assignee of Entire Interest (2 pages).
- 2c. ☒ Enclosed is a copy of the Statement Under 37 C.F.R. § 3.73(b) (1 page).
3. ☒ Incorporation by Reference. The entire disclosure of the prior Application No. 09/628,212, filed July 28, 2000, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.
- 4a. ☒ The filing fee is calculated below.
- 4b. ☒ Cancel in this application original claims 20 to 28, 32 to 55 and 60 of the prior application before calculating the filing fee.

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee \$770.00
Total Claims	27-20	7	X	\$18.00	\$126.00
Independent Claims	5-3	2	X	\$86.00	\$172.00
Multiple Dependent Claims	0	0	X	\$290.00	0
Total					\$1068.00

5. ☐ The Commissioner is hereby authorized to charge any fees in accordance with 37 C.F.R. § 1.16 and/or 37 C.F.R. § 1.17, or credit any overpayment to Deposit Account No. 16-2312. A duplicate copy of this sheet is enclosed.
6. ☒ A check in the amount of \$1068.00 is enclosed to cover the required filing fees.

7. ☒ 2 sheets of formal drawings are enclosed.
8. ☒ The Assignment records in the Patent and Trademark Office indicate that the prior application is assigned to ev3 Inc.
9. ☒ The Power of Attorney in the prior application is to: Thomas E. Popovich, Terry L. Wiles, Patrick J. O'Connell, Miriam G. Simmons and others.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ A copy of the power in the prior application is enclosed.
- c. ☒ Address all future communications to:
Terry L. Wiles, Esq. (29,989)
Popovich, Wiles & O'Connell, P.A.
650 Third Avenue South, Suite 600
Minneapolis, MN 55402
10. ☒ An Information Disclosure Statement (2 pages), two copies of Form PTO-1449 (3 pages), and one cited reference (WO 03/059202 A2) are enclosed.
11. ☒ A Preliminary Amendment (3 pages) is enclosed.

Respectfully submitted,

Dated: 4/13/04

By Terry L. Wiles

Customer No. 009561

Terry L. Wiles, Esq. (29,989)

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